

## **REMARKS**

Claims 1, 10, and 16 are amended and claim 9 is cancelled. Claims 1-8 and 10-18 are pending in the application.

Claims 1, 8, and 14 stand rejected as anticipated by *Wells*; claims 1-7, 9-13, and 15 stand rejected as obvious in view of *Wells* and *Nicholson II*; and claims 16-18 stand rejected as obvious in view of *Zagata*. Further examination of the application, as amended, and reconsideration of the rejections are respectfully requested.

Claim 1 is amended to include the limitation of claim 9, now cancelled and to clarify the training target is suspended from the transverse member. Support for suspended can be found at paragraph [0039]. Claim 10 is amended to correctly refer to the limitation moved to claim 1. Claim 16 is amended to clarify the target is rotated via the electric motor. Support for this can be found in paragraph [0040].

Regarding amended claim 1, *Wells* does not teach a training target suspended from a transverse member. The ordinary dictionary meaning of suspended is “to *hang* so as to allow free movement” (emphasis supplied). At column 2/lines 31-35, *Wells* teaches “a pad disposed in surrounding relation to a free end of said support arm which includes a generally rectangular block at the end of the support arm, the support arm having a

greater length extending through a substantial length of the pad”. See also Fig. 3. One of ordinary skill in the art would not equate a pad surrounding a support arm to be equal to a target suspended from a transverse member. *Wells* further teaches away from a hanging orientation, at 3/36-38 stating “the support arm 32 extending *horizontally* through the hollow interior of the sleeve-like portion 40 and of the block 35” (emphasis supplied). As to claim 8, it cannot be said a length from the shaft to a farthest end of the transverse member is greater than a distance from the shaft to a furthest point on the periphery of the support base. A view of Figs. 1 and 4 of *Wells*, it appears the base (near reference character 22) extends beyond the length from the shaft to a farthest end of the transverse member, in sharp contrast to applicant’s claim. As to claim 14, the invention in *Wells* does not teach or suggest a training target that is a heavy bag, punching bag, or speed bag. *Wells* only discloses a foam pad. See 2/42-46. Applicant submits that to somehow modify *Wells* to include one of those training targets would be impermissibly using applicant’s patent application as a roadmap.

*Nicholson II* fails to bridge the gap from *Wells*, or vice-versa. *Nicholson II* does not teach or suggest a bearing locator for positioning at least one bearing for the shaft above the support base. *Nicholson II* at 1/45 teaches a spring (reference character 24) disposed between transmission 20

and body 32. *Nicholson II* at 1/65-2/5 describes use of the sparing dummy. Particularly, the spring allows the device to bob and weave. To somehow modify *Nicholson II* to include a support bearing would remove the flexibility imparted by the spring and prohibit the bobbing and weaving of the sparing dummy. This would impermissibly change the principle of operation of the invention. See *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Further, the office action notes the training target as element 32, which is the body of the sparing dummy as shown in Fig 1 of *Nicholson II*. Body 32 is not suspended from a transverse member as in applicant's claims, and it would not have been obvious to somehow modify *Nicholson II* to include such structure.

The office action also alleged it would have been obvious to modify *Wells* to include a reversible variable speed motor. However, at 4/12-14 *Wells* states "the target member 30 should return to a *stationary* position within a minimum of time in preparation for the next blow to be delivered". To this end, yieldable resistance means 54 is enclosed within the base 12". Wells then describes the complicated spring and pulley system of yieldable resistance means 54, shown more readily in Fig. 4 of *Wells*. However, in sharp contrast, *Nicholson II* at 1/42-43, teaches electric motor and

transmission impart a “rotary oscillating motion” which produces a swinging and jabbing motion to the forearms. See 1/65-2/5. *Nicholson II* and *Wells* teach away from combination, as *Wells* disclose returning a target member 30 to a stationary state, whereas *Nicholson II* discloses a constant oscillating motion. It is not obvious how or why one skilled in the art would combine the passive device of *Wells* with the active device of *Nicholson II*. There is no motivation to combine these references. Further, *Nicholson II* does not disclose a reversible motor as in applicant’s claim 10, but in sharp contrast an oscillating transmission.

As to claim 7, neither reference discloses a transverse member reinforced with truss supports. Transverse member 45 of *Wells* is not reinforced with truss supports as alleged in the office action.

As to method claims 16-18, *Zagata, Jr.* does not teach or suggest rotating a target with an electric motor, let alone a target suspended from a transverse member. *Zagata, Jr.* teaches a target horizontally attached to a “cantilevered resilient arm” (at 3/25-26) and not *suspended* as in applicant’s claims.

Further, *Zagata, Jr.* only teaches *manually* rotating a target. It is not obvious how or why an electric motor would be included with the device of *Zagata, Jr.* Specifically, at 3/44-50, *Zagata, Jr.* states “[r]eferring to FIG. 4,

a handle 80 is shown engaging the mass 50. The handle 80 permits a *second participant* to manipulate the target assembly 40 to increase the difficulty of the user's exercise. The handle 80 may be maneuvered to displace the target 72 in an orbit about an axis defined by the standard 24 of the base assembly 20” (emphasis supplied). All dependent claims are allowable for at least the same reasons.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If any issues remain that are appropriate for resolution, please contact undersigned counsel.

Respectfully submitted,

DBD/sas

/s David B. Dickinson/  
David B. Dickinson  
Reg. No. 47,525  
Lundeen & Dickinson, L.L.P.  
P.O. Box 131144  
Houston, Texas 77219-1144  
(713) 652-2555  
(713) 652-2556 Fax  
ATTORNEY FOR APPLICANT